

Retention and Classification Report

Agency: District Court (First District : Cache County) (1686)
135 North 100 West
Logan, UT 84321
435-750-1355

Records Officer

13838	Adoptions
05141	Civil case exhibits
17457	Civil case files
13841	Criminal case files
83859	Daily court filings
06176	Declarations of intention record books
13840	Mental health case files
85173	Naturalization record books
01532	Probate case files
22905	Probate minute/record books
13839	Probated wills
25991	Water rights case files

AGENCY: District Court (First District : Cache County)

SERIES: 13838

1

TITLE: Adoptions

DATES: 1915-

ARRANGEMENT: Numerical by case number

DESCRIPTION:

These case files document all adoptions handled in the First District Court for Cache County.

RETENTION:

Retain permanent

DISPOSITION:

Retain in agency custody.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is proposed and has not yet been approved.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 9 years and then microfilm and destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

APPRAISAL:

Historical

Utah Code 78B-6-141 requires that these records are sealed for 100 years. Afterwards they become public. Adoption records have ongoing genealogical and historical value.

AGENCY: District Court (First District : Cache County)

SERIES: 13838

TITLE: Adoptions

(continued)

PRIMARY CLASSIFICATION:

Exempt

UCA 78-30-15 (2008). As of 1 July 1999, adoptions become public after 100 years; until then they are sealed and only obtainable through the court.

AGENCY: District Court (First District : Cache County)

SERIES: 5141

3

TITLE: Civil case exhibits

DATES: 1896-

ARRANGEMENT: alphanumerical

DESCRIPTION:

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 9 years after case is closed provided no appeal filed and then destroy.

APPRAISAL:

Administrative Legal

RETENTION JUSTIFICATION:

Alice Dahling!?! finally got the scoop on transcripts used as exhibits. They are treated just like regular transcripts and can be tossed after nine years. Exhibits actually have a shorter retention time so if they are older than nine years toss them!?!<Sally Koch, 3rd District Court Records Officer>??>>> Alice Cone 02/20/01 10:43AM >>>??What's the current retention on exhibits for district court civil and criminal cases? We have some way old ones, but they seem to have been transferred separately from their cases--ie., they may have their case number on them, but they're stamped 'exhibit' and were not included in the case file.

AGENCY: District Court (First District : Cache County)

SERIES: 17457

4

TITLE: Civil case files

DATES: 1895-

ARRANGEMENT: Numerical by case number thereunder, chronological by complaint date.

DESCRIPTION:

Civil case files include the original complaint or summons, and all legal papers filed through disposition or dismissal of civil cases, the proceedings between parties wherein rights are enforced or protected, or wrongs are prevented or redressed, which cannot legally be called criminal cases, involving real property and incidents within the District. Some transcripts but no exhibits are included. Civil cases include petitions for divorce, to recover money, voluntary withdrawal or dissolution of corporations, and writs of habeas corpus.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is proposed and has not yet been approved.

FORMAT MANAGEMENT:

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Paper: Retain in Office permanently or until microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

Administrative Historical Legal

Historic court records provide information about individuals and about legal processes. Civil cases include divorces and ownership issues. Civil judgments may be of longstanding relevance, particularly judgments on water rights issues.

AGENCY: District Court (First District : Cache County)

SERIES: 17457

TITLE: Civil case files

(continued)

Alice Dahling!?! finally got the scoop on transcripts used as exhibits. They are treated just like regular transcripts and can be tossed after nine years. Exhibits actually have a shorter retention time so if they are older than nine years toss them!?!<Sally Koch, 3rd District Court Records Officer>??>>> Alice Cone 02/20/01 10:43AM >>>??What's the current retention on exhibits for district court civil and criminal cases? We have some way old ones, but they seem to have been transferred separately from their cases--ie., they may have their case number on them, but they're stamped 'exhibit' and were not included in the case file.

AGENCY: District Court (First District : Cache County)

SERIES: 13841

3

TITLE: Criminal case files

DATES: 1896-

ARRANGEMENT: Numerical by case number.

DESCRIPTION:

Case files are made up of the various documents filed with the First District Court in Cache County pertaining to each specific case. The records usually contain information such as the case number, and the names of the defendants, counsel, jurors, and witnesses. The case file may include complaints, indictments, subpoenas, verdicts, warrants of arrest, execution or confinement, warrant returns, affidavits, orders, judgments, appeal notices. Files rarely include transcripts of testimony.

First, second, and third degree felony cases are the predominant case file type within this series (a major crime for which the maximum imprisonment is more than one year in a state correctional institution). This would include first degree offenses such as murder, rape, aggravated kidnapping, aggravated burglary and robbery, arson, and possession with intent to distribute drugs. Second degree offenses include: manslaughter, robbery, residential burglary, kidnapping, perjury, forgery, theft of property valued over \$1,000.00, forcible sexual abuse, and intentional child abuse. Third degree felonies include: burglary of non-dwellings, theft, aggravated assault, forgery, unlawful sexual intercourse, joyriding, possession with intent to distribute marijuana or cocaine, and false or forged prescriptions.

This series also contains misdemeanor cases which are punishable by a county jail term of up to one year and/or a fine.

Misdemeanors include: negligent homicide, driving under the influence, theft, assault on a police officer, criminal mischief, resisting arrest, reckless driving, possession of marijuana, shoplifting, trespassing, and possession of a concealed weapon.

Juvenile cases tried prior to 1907 can also be found in this series. In 1907, a separate statewide juvenile court was established allowing juvenile court jurisdiction in all matters involving children 18 years of age and younger, including parents and guardians of juvenile delinquents.

Missing cases should not be found in appellate court records since the Supreme Court is required by law [Rule 76 (d)] to remit their decision to the District Court "together with such papers transmitted to the Supreme Court on appeal." Furthermore, Rule 75 (n) states that after the appeal has been disposed of, any

AGENCY: District Court (First District : Cache County)

SERIES: 13841

TITLE: Criminal case files

(continued)

original papers should be returned to the custody of the district court. Cases which are appealed to the District Court from lower courts will be found in this series.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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Paper: Retain in Office permanently or until microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. They enforce or protect private rights and prevent or redress private wrongs. The value of the judge's decrees and final judgments to parties in an action may well extend beyond their immediate administrative use.

AGENCY: District Court (First District : Cache County)

SERIES: 13841

TITLE: Criminal case files

(continued)

Alice Dahling!?! finally got the scoop on transcripts used as exhibits. They are treated just like regular transcripts and can be tossed after nine years. Exhibits actually have a shorter retention time so if they are older than nine years toss them!?!<Sally Koch, 3rd District Court Records Officer>??>>> Alice Cone 02/20/01 10:43AM >>>??What's the current retention on exhibits for district court civil and criminal cases? We have some way old ones, but they seem to have been transferred separately from their cases--ie., they may have their case number on them, but they're stamped 'exhibit' and were not included in the case file.

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (First District : Cache County)

SERIES: 83859

3

TITLE: Daily court filings

DATES: i 1989-

ARRANGEMENT: Chronological

ANNUAL ACCUMULATION: 20.00 cubic feet.

DESCRIPTION:

RETENTION:

Retain permanently.

DISPOSITION:

Retain in agency custody.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 06/1983

FORMAT MANAGEMENT:

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Paper: Retain in Office for 9 years after being microfilmed and then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

APPRAISAL:

Administrative

AGENCY: District Court (First District : Cache County)

SERIES: 83859

TITLE: Daily court filings

(continued)

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PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (First District : Cache County)

SERIES: 6176

4

TITLE: Declarations of intention record books

DATES: i 1896-

ARRANGEMENT: Volumes and their entries are chronological. After 1906, the entries are also by case number in sequentially numbered

ANNUAL ACCUMULATION:

DESCRIPTION:

These volumes contain declarations of individuals' intentions of becoming U.S. citizens. They were filed at least two years prior to applying for naturalization.

The first volume contains blanks for the individual's name, sovereign, date, signature, and clerk's signature. More detailed federal forms were used beginning in 1906. The forms contain additional information including personal description, vital statistics, and emigration data. By 1916, information regarding any spouse's name and vital statistics data were added.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Microfilm master: For records beginning in 1896 through 1929.
Retain in State Archives permanently.

Microfilm duplicate: For records beginning in 1896 through 1929.
Retain in State Archives permanently.

APPRAISAL:

Historical

AGENCY: District Court (First District : Cache County)

SERIES: 6176

TITLE: Declarations of intention record books

(continued)

Alice Dahling!?! finally got the scoop on transcripts used as exhibits. They are treated just like regular transcripts and can be tossed after nine years. Exhibits actually have a shorter retention time so if they are older than nine years toss them!?!<Sally Koch, 3rd District Court Records Officer>??>>> Alice Cone 02/20/01 10:43AM >>>??What's the current retention on exhibits for district court civil and criminal cases? We have some way old ones, but they seem to have been transferred separately from their cases--ie., they may have their case number on them, but they're stamped 'exhibit' and were not included in the case file.

PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (First District : Cache County)

SERIES: 13840

3

TITLE: Mental health case files

DATES: 1981-

ARRANGEMENT: Numerical by case number

ANNUAL ACCUMULATION:
DESCRIPTION:

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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Paper: Retain in Office for 9 years and then microfilm and destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

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PRIMARY CLASSIFICATION:

Exempt UCA 62A-12-247 (2008)

AGENCY: District Court (First District : Cache County)

SERIES: 85173

4

TITLE: Naturalization record books

DATES: i 1896-

ARRANGEMENT: Entries are chronological by petition date. After 1906 they appear by case number, chronologically arranged by petition

ANNUAL ACCUMULATION:

DESCRIPTION:

These volumes contain documentation of the final steps of becoming a United States citizen. They include petitions for naturalization, certificates of citizenship, and accompanying documentation.

The first volume contains only certificates of citizenship, giving the date, applicant's name, former foreign residence, current residence, and signatures as well as a standardized summary of procedures. By 1903, the forms consisted of an applicant's affidavit and witness affidavits, as well as a certificate of citizenship. The forms also included the applicant's birthplace, date and court of declaration of intention, and date of admission to the United States. After 1906 more detailed federal forms were used. The petitions include individual's name, residence, occupation, birth date and place; the place from which emigrated, the date, proof of arrival, and vessel name; date and place of declaration of intention; wife's name, birthplace and residence; any previous petitions; and children's names, birthplaces, and residences. Witness affidavits are included and various corroborating documents are bound into the volumes along with the petitions, including declarations of intention, certificates of U.S. military service, certificates of arrival, witness depositions, etc.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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Microfilm master: For records beginning in 1896 through 1929.
Retain in State Archives permanently.

Microfilm duplicate: For records beginning in 1896 through 1929.
Retain in State Archives permanently.

AGENCY: District Court (First District : Cache County)

SERIES: 85173

TITLE: Naturalization record books

(continued)

APPRAISAL:

Historical

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PRIMARY CLASSIFICATION:

Public

AGENCY: District Court (First District : Cache County)

SERIES: 1532

4

TITLE: Probate case files

DATES: i 1864-

ARRANGEMENT: Numerical by case number.

ANNUAL ACCUMULATION:

DESCRIPTION:

A collection of all documents and actions filed with the court clerk in the course of probating wills of deceased persons make up the probate case files. Guardianships and adoptions may be included. Records and documents pertaining to a particular action are filed together by the court clerk, who is required by the Rules of Civil Procedure to file pleadings and other legal papers. Collectively they constitute the case file. Case numbers are assigned by the court when papers are initially filed with the clerk.

Files for probate cases include such documents as wills, decrees, continuations of hearings, discharges, petitions, notices, bonds, letters testamentary, testimonies, findings of fact and conclusions of law, commitments, affidavits, proof of publication, appraisals , reports, orders, depositions, property inventories, etc.

RETENTION:

Retain permanent

DISPOSITION:

Retain in agency custody.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: For records beginning in 1864 through 1898. Retain in State Archives permanently with authority to weed.

Paper: For records beginning in 1970 and continuing to the present. Retain in Office permanently or until microfilmed and

AGENCY: District Court (First District : Cache County)

SERIES: 1532

TITLE: Probate case files

(continued)

then destroy provided microfilm has passed inspection.

Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Case files have legal and administrative value to the court through dismissal or satisfaction of the final judgment. Because they enforce or protect private rights and prevent or redress private wrongs, the value of the judge's decrees and final judgments to parties in the action may well extend indefinitely.

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PRIMARY CLASSIFICATION:

Public

SECONDARY CLASSIFICATION(S):

AGENCY: District Court (First District : Cache County)

SERIES: 1532

TITLE: Probate case files

(continued)

Exempt.

UCA 78-30-15 (2008). As of 1 July 1999, adoptions become public after 100 years; until then they are sealed and only obtainable through the court. This series includes adoption case files.

AGENCY: District Court (First District : Cache County)

SERIES: 22905

4

TITLE: Probate minute/record books

DATES: 1860-1966

ARRANGEMENT: Chronological by date of court session

ANNUAL ACCUMULATION:

DESCRIPTION:

This series is made up of minute/record books in which are recorded the official acts and proceedings of both the Cache County Probate Court (which was eliminated at statehood in 1896) and its successor, the First District Court, while sitting in Logan, Cache County, Utah. These records were created and maintained by the court clerk, who is required by state statute to keep a minute book (Utah Code Annotated, 1953, 17-20-2). Originated by the Cache County Probate Court during the territorial period, entries in the minute/record books begin in January 1860. Copies of court orders and decrees, discharges, petitions, and notices are typical. Due to the unusual jurisdiction of the Probate Court, the body was not limited to probate and guardianship matters. Although principally a record of estates, early volumes in this series also include minutes/records of criminal and civil cases tried in probate court between May 1860 and September 1873. Recorded information encompasses petitions, applications, various writs, judgments, complaints, appointments, decrees and court orders, indictments, verdicts, pleas, warrants, and summonses. Cases involving commitment to the state mental hospital and adoption are included throughout the series. The minute/record books were transferred at statehood to the newly created district court, which assumed jurisdiction for probate cases. Although early entries are designated "Minutes," administrative details and meeting logistics are omitted. Entries in volumes A-Q are handwritten while those in subsequent tomes are typewritten. Minute/record books are no longer produced.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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Microfilm master: For records beginning in 1860 through 1966.

AGENCY: District Court (First District : Cache County)

SERIES: 22905

TITLE: Probate minute/record books

(continued)

Retain in State Archives permanently with authority to weed.

Microfilm duplicate: For records beginning in 1860 through 1966.
Retain in State Archives permanently with authority to weed.

Paper: For records beginning in 1860 through 1966. Retain in Office for 9 years and then microfilm and destroy provided microfilm has passed inspection.

APPRAISAL:

Historical

Disposition based on documentation about individuals, legal procedure, court history and functions. Minute books have legal and administrative value to the court through dismissal or satisfaction of the final judgment. Because they enforce or protect private rights and prevent or redress private wrongs, the value of the judge's decrees and final judgments to parties in the action may well extend indefinitely.

RETENTION JUSTIFICATION:

The permanent retention of these records is appropriate given that probate minute/record books provide useful information both for researchers seeking socioeconomic data on households and those seeking biographical or family history data such as information about the estate, the deceased, and the heirs.

PRIMARY CLASSIFICATION:

Public with the exception of adoption and commitment matters, as described below.

SECONDARY CLASSIFICATION(S):

AGENCY: District Court (First District : Cache County)

SERIES: 22905

TITLE: Probate minute/record books

(continued)

Private.	commitment proceedings are classified by the Administrative Office of the Court as private (Code of Judicial Administration, Rule 4-202, section 3 [G] [iii]).
Exempt.	adoption records are sealed for 100 years according to Utah Code Annotated 87-19-4 (1953).

AGENCY: District Court (First District : Cache County)

SERIES: 13839

4

TITLE: Probated wills

DATES: 1913, 1915, 1938, 1939-

ARRANGEMENT: Numerical by estate number

ANNUAL ACCUMULATION:

DESCRIPTION:

Probated copies of the last will and testament (including any codicil) of Cache County testators submitted to the First District Court for probate make up this series. The structure of individual wills may vary greatly, from a simple manuscript with a single substantive provision to a complex document with multiple sections which cover a variety of topics concerning the estate. Basic information includes the testator's name, county of residence, and in some cases occupation or trade, plus directions, requests, and bequests. Bequests to heirs may cite relationship to the deceased and include specific items or properties bequeathed. The name of the person(s) appointed executor(s) is usually cited. A certificate of proof of will was included until September 1942. Collectively the series is composed of loose papers from individual cases (both holographic and typewritten); it is not a compilation of documents from multiple matters transcribed in record books.

RETENTION AND DISPOSITION AUTHORIZATION:

These records are in Archives' permanent custody.

FORMAT MANAGEMENT:

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Microfilm master: Retain in State Archives permanently.

Microfilm duplicate: Retain in Office permanently.

Microfilm duplicate: Retain in State Archives permanently with authority to weed.

AGENCY: District Court (First District : Cache County)

SERIES: 13839

TITLE: Probated wills

(continued)

APPRAISAL:

Historical Legal

Disposition based on the historical and legal value of wills and codicils, which are designated as permanent by the Utah State Courts Records Retention Schedule.

The permanent retention of these records is appropriate given that probate minute/record books provide useful information both for researchers seeking socioeconomic data on households and those seeking biographical or family history data such as information about the estate, the deceased, and the heirs.

PRIMARY CLASSIFICATION:

Public UCA 75-2-901 (1975)

AGENCY: District Court (First District : Cache County)

SERIES: 25991

1

TITLE: Water rights case files

DATES: 1917-

ARRANGEMENT: Numerically by case file number.

ANNUAL ACCUMULATION:

DESCRIPTION:

In civil actions the court acts to enforce rights and prevent or redress wrongs in matters not criminal. Civil case files include all legal documents pertaining to a particular case from the receipt of a petition to the resolution of the case. First District Court (Cache County) has separated civil cases dealing with water rights from the general run of civil case files. Water rights cases are frequently accessed and referenced as well as frequently reactivated.

RETENTION:

Retain permanently

DISPOSITION:

Retain in agency custody.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is proposed and has not yet been approved.

FORMAT MANAGEMENT:

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Paper: Retain in Office permanently.

Compact disc: Retain in Office until administrative need ends.

Compact disc: Retain in State Archives permanently with authority to weed.

AGENCY: District Court (First District : Cache County)

SERIES: 25991

TITLE: Water rights case files

(continued)

APPRAISAL:

Historical Legal

Court actions relating to water rights define legal ownership of those rights. Water case files provide information about the history of specific rights.

The permanent retention of these records is appropriate given that probate minute/record books provide useful information both for researchers seeking socioeconomic data on households and those seeking biographical or family history data such as information about the estate, the deceased, and the heirs.

PRIMARY CLASSIFICATION:

Public